

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

Vs.

No. CR 18-3495 JH

DOUGLAS D. SMITH,

Defendant.

ORDER GRANTING CONTINUANCE OF TRIAL
AND PRETRIAL DEADLINES

THIS MATTER is before the Court on Defendant's **Amended** Unopposed Motion to Continue [**Doc. 32**]. The Court having considered the motion, being fully advised in the premises and in light of *United States v. Toombs*, 574 F.3d 1262 (2009), finds that the Defendant has by his motion, created a sufficient record to justify granting the motion to continue. See *id.* at 1271 (requiring that the record on a motion to continue contain an explanation of why the mere occurrence of the event identified by the party as necessitating the continuance results in the need for additional time).

IT IS THEREFORE ORDERED that the Defendant's **Amended** Unopposed Motion to Continue [**Doc. 32**] is **GRANTED**.

IT IS FURTHER ORDERED that the Call of Calendar hearing of November 29, 2018 and the Jury Selection/Trial of December 10, 2018 are VACATED. The Call of Calendar is reset for **March 7, 2019 at 1:30 P.M.** and Jury Selection/Trial is reset for **March 18, 2019 at 9:00**

A.M., on a **trailing docket** at the United States Courthouse, 333 Lomas Blvd., N.W., Mimbres Courtroom, 4th Floor, before Judge Judith C. Herrera in Albuquerque, New Mexico.

IT IS FURTHER ORDERED that the pretrial motion deadline is hereby extended until **January 31, 2019**.

IT IS FURTHER ORDERED that pursuant to 18 U.S.C. §3161(h)(7)(A), the Court finds that the ends of justice served by granting the unopposed motion for continuance outweigh the best interest of the public and the defendant in a speedy trial. Therefore, all the time from the filing of the motion until the beginning of jury selection in this matter shall be excluded for the purpose of the Speedy Trial Act.

IT IS FINALLY ORDERED that counsel shall adhere to the Court's instructions and case management deadlines as set forth in the following attachment, "Pretrial Deadlines before The Honorable Judith C. Herrera."


UNITED STATES DISTRICT JUDGE